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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617

5514 7590 11/26/2004

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NEW YORK, NY 10112

EXAMINER

QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

08/579,739

Applicant(s)

SAKAEGI, YUJI

Examiner

Carramah J. Quiett

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED ⁰⁹01 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see the attached Examiner's comments.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Carramah J. Quiett
Assistant Examiner
Art Unit: 2612

Art Unit: 2612

DETAILED ACTION

Effective immediately, the application is assigned to examiner C. J. Quiett. Please include the new examiner's name in the caption or heading of any communication submitted thereafter. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Amendment

1. The amendments, filed on 08/09/2004, have not been entered and made of record. As a result, Claims 22 to 25 are not pending in this application and applicant has cancelled claims 1-21.

Response to Arguments

2. Applicant's arguments filed 08/09/2004 have been fully considered but they are not persuasive.

With respect to Hicks '672, Applicant states that although Hicks describes controlling power supply to a peripheral device, it bases its decision to supply power on whether activity is present on the computer I/O port. The Applicant argues that this is different than the present invention, in which a check is made whether a predetermined request is received from the computer. Then, the Applicant argues that Hicks is not seen to disclose or suggest at least the feature of checking whether or not a predetermined request is received from the computer after the computer causes the power control unit to supply power from the power source to the control unit, and continuing to supply power from the power source to the control unit if it is determined that the predetermined request is received from the computer. The Examiner respectfully disagrees. Hicks

Art Unit: 2612

discloses a microprocessor 39/49 and button 35 for checking whether or not a predetermined request has been received from the computer (1) after the electric power of the power source was supplied to the printer (2) by said power saver (17) (01. 1, line 60 to col. 2 line 27; col. 3 line 38 to col. 5 line 65), wherein said microprocessor 39/49 checks the voltage level of the signal line connected to the computer (col. 5 lines 49-65); and microprocessor (39/49) for continuing the supply of the electric power from the power saver (17) once said microprocessor checks a presence of the predetermined request (col. 1 lines 60+, and in col. 4 lines 35+.).

With respect to Aoki '359, Applicant argues that although Aoki provides for switching the power supply from the battery within the camera to the power source of the personal computer, Aoki is silent as to checking whether a predetermined request is received from the computer. The Applicant also states that Aoki could not possibly describe checking whether or not a predetermined request is received from the computer after the computer causes the power control unit to supply power from the power source to the control unit, and continuing to supply power from the power source to the control unit if it is determined that the predetermined request is received from the computer. The Examiner respectfully disagrees. Aoki discloses, in col. 4, lines 21-30, a writing/reading circuit 116 writes data onto and reads data from the IC memory card 3 in a predetermined format in accordance with the control signal output from the system control circuit 118. In addition thereto, the writing/reading circuit 116 writes and reads predetermined data onto and from the IC memory card 3 in a predetermined format also in accordance with the control signal output from the personal computer 2 through the interface circuit 117 and the connector board 24 of the personal computer.

Art Unit: 2612

With respect to the Kikinis '924 reference, Applicant argues that Kikinis has been reviewed as is not seen to compensate for the deficiencies of Hicks and Aoki. Please note that the Examiner has respectfully pointed out the lack of deficiencies of Hicks and Aoki. Additionally, Examiner disagrees to the Applicant's arguments against Kikinis. The invention of Kikinis has a computer peripheral (monitor 547) including a power switch (switch 553), Sync. Detecting circuit (551) for checking a voltage level of a signal line (VGA cable 127) connected to a personal computer (PC 111/211), and power supply control means (power supply 555) for controlling a supply of an electric power from a power source to a predetermined circuit (a video circuit) (see col. 4 line 2 - col. 6 line 11). Kikinis further teaches that the power from the PC is supplied to the monitor for a predetermined period even when said power switch is of (see col. 6 lines 12-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (703) 305-0566. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2612

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.J.Q.

Nov. 22, 2004



NGOC-YEN VU
PRIMARY EXAMINER